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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,844	04/30/2001	Robert E. Johnson	10004551-1	3208

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EXAMINER

COURTENAY III, ST JOHN

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/845,844	JOHNSON ET AL.
	Examiner St. John Courtenay III	Art Unit 2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 August 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



ST. JOHN COURTEENAY III
PRIMARY EXAMINER

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

Response to Request for Reconsideration

Responsive to Applicant's arguments of record, new grounds of rejection are set forth below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 4 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Monday et al.** (U.S. Patent 6,480,860).

As per independent claim 1:

Monday teaches a method for the communication of data between at least one host system and a storage management system, the method comprising:

- defining structure for data to be transported from the at least one host system to the storage management system using a markup language [e.g., see use of XML, see col. 5, line 4]; and
- transporting the defined data from the at least one host system to the storage management system via a remote procedure call [e.g., see use of remote procedure call, col. 6, line 58].

As per dependent claim 2:

Monday teaches the markup language includes a facility to define tags, as well as structural relationships between tags [e.g., see sample XML data request and associated XML tags, as shown in figures 6-8; see supporting discussion col. 9].

As per dependent claim 3:

Monday teaches the markup language is extensive markup language (XML) [col. 5, line 4].

As per dependent claim 4:

Monday is silent regarding any operating system dependency with respect to the use of a RPC between machines; therefore, the Examiner has interpreted the breadth of Monday's disclosure as not being limited to any particular operating system [see RPC disclosure, col. 6, line 58].

Claims 1- 4, 7, 8, 11-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Humpleman et al.** (U.S. Patent 6,466,971).

As per independent claim 1:

Humpleman teaches a method for the communication of data between at least one host system and a storage management system, the method comprising:

- defining structure for data to be transported from the at least one host system to the storage management system using a markup language [e.g., see XMLRPC format discussion beginning col. 18, line 65; see also use of XML, col. 12, discussion beginning line 6]; and

- transporting the defined data from the at least one host system to the storage management system via a remote procedure call [e.g., see use of "XML.Remote Procedure Call", col. 14, line 17; also RPC using XML discussion col. 18, beginning line 45; see also XML RPC code listing, EXAMPLE 1, col. 19; see also XMLRPC format discussion beginning col. 18, line 65].

As per dependent claim 2:

Humpleman teaches the markup language includes a facility to define tags, as well as structural relationships between tags [e.g., see XML RPC code listing, EXAMPLE 1, col. 19 and associated XML tags].

As per dependent claim 3:

Humpleman teaches the markup language is extensive markup language (XML) [e.g., see use of XML, see col. 12, discussion beginning line 6].

As per dependent claim 4:

Humpleman is silent regarding any operating system dependency with respect to the use of a RPC between machines; therefore, the Examiner has interpreted the breadth of **Humpleman's** disclosure as not being limited to any particular operating system [see XML RPC code listing, col. 19].

As per dependent claim 7:

Humpleman teaches the defining is performed by at least one host agent residing on the at least one host system [e.g., see "software agent" and associated discussion col. 13, lines 12-20 and col. 13, lines 51-53].

As per dependent claim 8:

Humpleman teaches the transporting is facilitated by the at least one host agent [e.g., see "agent" discussion col. 13, beginning line 12].

As per dependent claim 11:

Humpleman teaches processing the defined data at the storage management system [e.g., see "local device XML interface" and associated discussion col. 16, beginning line 13; also col. 18, lines 40-52].

As per dependent claim 12:

Humpleman teaches the processing includes parsing the defined data using a markup language [see "parsing and validating XML messages", and associated discussion col. 16, lines 21-35; also col. 18, lines 40-52].

As per dependent claim 13:

Humpleman teaches the parsing is performed by a standard extensive markup language (XML) parser [see "XML parser 74" and associated discussion col. 16, lines 24; see also XML parser discussion col. 18, lines 40-52].

As per dependent claim 14:

Humpleman teaches the processing includes providing the defined data to a flexible interface of the storage management system [e.g., see "local device XML interface" and associated discussion col. 16, beginning line 13].

As per dependent claims 15 - 17:

Humpleman teaches the use of an XML parser which appears to inherently offer standard XML parsing capabilities as claimed [see "XML parser 74" and associated discussion col. 16, lines 24; see also XML parser discussion col. 18, lines 40-52; see "local device XML interface" and associated discussion col. 16, beginning line 13].

As per dependent claim 18:

Humpleman teaches the transporting occurs in response to a request from the storage management system, the request being made after the storage management system determines a change in device information has occurred since a prior transmission of data to the storage management system [e.g., see "local device XML interface" and associated discussion col. 16, beginning line 13].

35 U.S.C. 103 rejections:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Humpleman et al.** (U.S. Patent 6,466,971) in view of (U.S. Patent) in view of **Wollrath et al.** (U.S. Patent 6,487,607).

As per dependent claim 5:

Humpleman discloses the invention substantially as claimed, as discussed above.

However, **Humpleman** does not *explicitly* teach the following additional limitations:

Wollrath teaches the use of JAVA remote method invocation, as claimed [e.g., see col. 4, line 20 and associated discussion].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system taught by **Humpleman** by implementing the improvements detailed above because it would provide **Humpleman's** system with the enhanced capability of avoiding the blocking of a calling process while it waits for a response from the called remote procedure, as typically occurs with synchronous remote procedure calls, and/or for transporting objects within the distributed system for use in connection with processes executing on remote machines [e.g., see **Wollrath** col. 4, discussion beginning line 35; see also col. 3, lines 9-15].

As per dependent claim 6:

Humpleman teaches the defined device data is device discovery data [e.g., see examining device capabilities col. 14, lines 39-52; see also the use of XML to represent CD devices, col. 20, line 55].

Claims 9 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Humpleman et al.** (U.S. Patent 6,466,971) in view of (U.S. Patent) in view of **Monday et al.** (U.S. Patent 6,480,860).

As per dependent claim 9:

Humpleman discloses the invention substantially as claimed, as discussed above.

However, **Humpleman** does not *explicitly* teach the following additional limitations:

Monday teaches retrieving the data to be transported to the storage management system from at least one storage device embedded in or communicatively coupled to the at least one host system prior to defining the structure of the data to be transported [e.g., see retrieving data from the database and subsequent translation step and associated discussion col. 8 lines 29-46, specifically "XML translator 226"] .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system taught by **Humpleman** by implementing the improvements detailed above because it would provide **Humpleman's** system with the enhanced capability of reducing the server load and increasing programmer control over "how XML requests are processed and returned" [See **Monday**, col. 8, lines 39-46].

As per dependent claim 10:

Humpleman teaches the retrieving is performed by at least one host agent residing on the at least one host system [e.g., see "agent" and associated discussion col. 13, beginning at lines 12 & 51].

Prior Art not relied upon:

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

How to Contact the Examiner:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Patent Customers advised to FAX communications to the USPTO

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:

NEW PTO CENTRAL FAX NUMBER:

Application/Control Number:
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Art Unit: 2126

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703-872-9306

- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:

Technical Center 2100 CUSTOMER SERVICE: 703 306-5631

The Manual of Patent Examining Procedure (MPEP) is available online at:
<http://www.uspto.gov/web/offices/pac/mpep/index.html>



ST. JOHN COURTENAY III
PRIMARY EXAMINER